

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

NAKATSU et al

Serial No. 09/373,544

Filed: August 13, 1999

For: SEMICONDUCTOR LIGHT-EMITTING DIODE

Attention: Application Branch

Atty. Dkt. 829-522

Date: October 12, 1999

Honorable Assistant
Commissioner of Patents
Washington, D.C. 20231

The attached completes filing of the above-identified patent application:

- ☒ Signed Rule 63 Declaration alone OR
☐ Signed Declaration plus attached copy of originally filed specification/drawings.
☒ **NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED** form.
☒ Record and return the attached assignment.
☒ Priority is hereby claimed per Rule 55 & 35 USC119 based on prior foreign application(s) Nos.:
- | Application Nos. | Country | Filing Date |
|------------------|---------|----------------|
| 10-236156 | Japan | 21 August 1998 |

respectively.

- ☐ This application is based on the following prior provisional application(s):

Application No.	Filing Date
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respectively and priority is hereby claimed therefrom.

Certified copy(ies) of foreign and/or provisional application(s): ☐ attached; ☒ already filed on August 13, 1999.

in U.S. Application Serial No. _____, filed on _____.

- ☐ The undersigned verifies that the above-identified application is identical to: filed _____, as amended on _____.
☐ Verified Statement attached establishing "small entity" status (Rules 9 & 27)
☐ Also attached:

Fees are attached as calculated below:

Basic filing fee		\$	760.00
Total Effective claims	10 - 20 = 0	x \$	18.00
Independent claims	1 - 3 = 0	x \$	78.00
If any proper multiple dependent claims now added for first time, add \$260 (ignore improper)			\$ 0.00
FILING FEE			\$ 760.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110/1 month; \$380/2 months; \$870/3 months; \$1,360/4 months)			\$ 0.00
Surcharge (\$130) if Declaration or filing fee first now submitted			\$ 130.00
FIRST SUBTOTAL			\$ 890.00
If "small entity," enter half (1/2) of subtotal and subtract			-\$ 0.00
SECOND SUBTOTAL			\$ 890.00
Assignment Recording Fee (\$40)			\$ 40.00
TOTAL FEE ENCLOSED			\$ 930.00

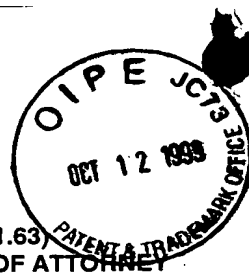
Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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HWB:ish

NIXON & VANDERHYE P.C.

By Atty: H. Warren Burnam, Jr., Reg. No. 29,366

Signature: H. Warren Burnam, Jr.



**RULE 63 (37 C.F.R. 1.63)
DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SEMICONDUCTOR LIGHT-EMITTING DIODE

the specification of which (check applicable box(es)):

- ☐ is attached hereto
☒ was filed on August 13, 1999 as U.S. Application Serial No. (to be assigned) (Atty Dkt. No. 829-522)
☐ was filed as PCT International application No. _____ on _____
and (if applicable to U.S. or PCT application) was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Priority Foreign Application(s):

Application Number	Country	Day/Month/Year Filed
10-236156	Japan	21 August 1998

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Number	Date/Month/Year Filed
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I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

Prior U.S./PCT Application(s):	Day/Month/Year Filed	Status: patented pending, abandoned
Application Serial No.		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And I hereby appoint **NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8th Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed)**, and the following attorneys thereof (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Arthur R. Crawford, 25327; Larry S. Nixon, 25640; Robert A. Vanderhye, 27076; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Thomas E. Byrne, 32205; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329.*

- Inventor's Signature: Hiroshi Nakatsu Date: September 28, 1999
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- Inventor's Signature: Osamu Yamamoto Date: September 28, 1999
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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/373,544

08/13/99

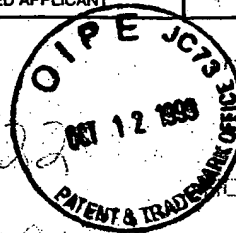
NAKATSU

829-522

NIXON & VANDERHYE

1100 NORTH GLEBE ROAD 8TH FLOOR

ARLINGTON VA 22201



2211

DATE MAILED:

09/01/99

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 760.

☒ 1. The statutory basic filing fee is:

- ☒ missing.
☐ insufficient.

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.

\$ _____ for _____ independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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760.00 OP
130.00 OP

CC:101
CC:105